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Previous References

1947 48
(nil)

File No 40-47
Serial Nos 93 94

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos
-100

Part B for Dec 2 47

SUBJECT

Election of Mr G K Mallesham as Vice-President of the Kumbakonam Minor Municipal Council Shimoga

K 11432 & 2/12-47

The Comptroller
Madras

1882/mC

Kurnool Municipality - Election of vice president

From

The Dy Commr Shimoga Dt

No MJC 360/42-48 Dt 30-7-47

States that the election of the vice president of the Kurnool minor Municipal Council was originally fixed to be held on 24-7-47 as per the calendar of events and as this did not make for the time limit of 15 clear days prescribed by the election Rules it was resolved on that date to postpone the election to 28-7-47 and the provision of the rule of time limit temp mandatory Requirements for the setting aside of the election held on 28.7.47 and to hold a Re-election

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1) The Kurnool minor municipal Council elected ~~was~~ resolved on 12-7-47 to have an vice president for the Municipality

2) The date for the election is stated to have been fixed on 24.7.47 in accordance with the Rules issued in Govt No L 3056/mL 207-22-2 dated 26.11.27 which provided for the election taking place within five days of the publication of list of candidates standing for the election these Rules have been revised in the Govt Dt 29.5.32 and according to these Revised Rules at least 15 days notice of the

1882/mc

Keens Municipality - Election of Vice President

Special meeting for the election of the Vice presidents ex minor municipal Councils Notice to be given to the members the meeting is stated & have been noticed only after fixing the date of election

3) As this is a material irregularity and the provisions of the Rules in this behalf is mandatory, this Court Requests orders to be set aside the election ~~and hold fresh elections~~ of Mr G K Nalloshan as Vice President of the Kannur minor municipal Council at the Spl meeting held on 28-7-47 and to hold fresh elections

4) under Rule 14 of the Rules Regulating the Election of Vice presidents of minor Municipal Councils in Cases in which there are Reasons to believe that the election has not been duly held and further enquiry is necessary, Govt. may, on enquiry ~~if~~ either direct a Re election to be held or condone the irregularity and declare the Result of the election already held

5) Sabd for orders

6) placing up with a copy of the Election Rules in question

The 9/10/47 Petitioner for 10/10/47

7) The irregularity pointed out by the Petitioner is correct but no councillor has raised any objection

1855/Law

to the election of Vice-President was a bona fide mistake

8) Whether the circumstances may not be considered under rule 14 of the rules regulating elections & amendments to some of its provisions and the election of Mr. F.K. Nielsen as Vice-President would obviate unnecessary delay in moving a fresh election for same

11/K/47

Is it desirable to Consult the Law-Officer in this matter?

11/10/47

May be done accordingly.

11/10/47

Law Secy) for favour of opinion

14/10/47

Law Secy) c/c

16/10

filed

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Sufficient notice (15 days) was not given as provided under Rule 1 of the Election Rules It appears to be a bonafide mistake and the date fixed for election the meeting be postponed to a subsequent date by a resolution so as to conform to the rules Under Rule 14 it is open to Government to condone the irregularity and declare the result of the election already held

21 OCT 1947

Law Secy) fr 21/10

Law Secy) 22/10
MC) fr 27/10

In view of the above opinion of the Law Secy the irregularity may be condoned & the election of Mr. S K Mallesham as Vice-President of the Kumool Municipality notified as holding such election appears unnecessary in the circumstances stated in para 7 supra

73- Minister) Approved 28/10
Dam Jamin
municipalities / After with above 26/10

1852/mt

Election of Acc President to Kumsi Senior Secondary Pals Comm a C

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Draft notification re post-up

Case 28/11/47 Pr 28/11/47

Dy/11/47

Sh 94

To the Compiler M C
No. L 11432/mt 40-47-94
Dt 2/12/47

Notifies the election of the VP of Kumsi M M C

Copy to D-C Bhuneya
L 11432 Dt 2/12/47

Pd 7/148

ml 40-47-93.

Office of the Deput Commissioner

No M3 C 360/47-48
Encl File of Record

Shimo a dated 30th September 47

To

The Secretary to Government
Revenue Department
Bangalore

Sir

Subject - Kumsi Municipality - Election of Vice-President

I have the honour to state that the Kumsi Minor Municipal Council having been reconstituted for a period of three years with effect from 1st Jul 1947 (Vide Notification No M3 C3131/46-47 dated 5th Jul 47) the President proceeded to obtain the views of the Municipal Council in the matter of having a Vice-President to the said Municipality as required in Section 10(1) of the Minor Municipalities Act Vide resolution copy dated 12-7-47 enclosed for favour of perusal

The Municipal President therefore issued an Agenda on 12-7-47 fixing the date of election of the Vice-President on 24-7-47 which was got served on 13 Municipal Councillors The last date fixed for receipt of nomination applications for nominating the candidates in this connection was fixed on 19-7-47 In accordance with the aforesaid notification dated 12-7-47 issued by the Municipal President the marginall * noted five candidates were nominated for the purpose The names of all the five candidates were notified by the Municipal President on 19-7-47

M/s

*1) K I Srinivasa Rao
2) G K Mallesheri
3) Satyanarayana Iyer
4) M A Khuddus
5) K P Mahalingappa

On the date fixed for the election i e on 24-7-47 (as originally fixed by the Municipal President in the meeting Agenda issued on 12-7-47) the Municipal President did not conduct the election but a resolution was passed postponing the election to 28-7-47 with a view to keep up the time limit of 15 clear days prescribed in

page 2

In Proviso to Section 1 of the Election rules of the Vice-Presidents of Minor Municipal Councils

On stien th of this resolution the Municipal President postponed the election and conducted it on 28-7-27 by the prescribed process of - elimination in stages of each of the contesting candidates till the last two remained

As orie Mr G P Mallechan one of the contesting candidates secured largest No of votes Viz 13 at the final round he was declared to have been elected as Vice-President of the Kumta Municipalit by the Municipal Council at its meetin held on - 28-7-27 Vide resolution cop enclosed

From a scrutiny of the election records it is seen that the time-limit of 15 clear days to hold the election has not been kept up in accordance with the ~~resolution~~ election rules The rules on the subject do not admit of the relaxation of the dates of such elections when once a calendar is framed on that behalf

The Deputy Collector and President Kumta Municipalit who was asked to explain the circumstances and the provision under which he altered the date of - election reports that he fixed the date of election on 24-7-27 under mistaken impression that the election should be held within five days after notifying the list of candidates as per G O No L 3056/M1 207-77-2 dated 26-11-27 but that in the mean-while an amended cop of the election rules was secured which disclosed the irregularity He states that with a view to keep up the time limit of 15 clear days as prescribed in the election rules dated 22nd Jan 1935 the date of election was altered from 24-7-27 to 28-7-27 The Deputy Collector's Presidents' report No M1 C 5/27-28 dated 13-9-27 is forwarded herewith in original for favour of reference

pore 3

In this connection I might be permitted to state that the prescribed time-limits (as prescribed in rules 1 and 3 of the election rules dated 22nd/29th May 1935) have not been duly observed by the Deputy Amildar-President Kumsi Municipality, and the irregularity in question has to be deemed a material one.

In the circumstances I request that orders of Government may kindly be obtained to set-aside the present election of Mr G K Mallesham as Vice-President of the Kumsi Municipality and to hold a re-election in this respect.

The entire records received from the Deputy Amildar-President Vide report No M1 C 5/47-48 dated 28-8-47 are forwarded herewith for favour of reference.

I have the honour to be
Sir
Your most obedient servant

S Krishnaswamy
Deputy Commissioner Sirsi Dt

mcr 2

L 11432/mb 40-47-94.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated Bangalore 28-11-47

NOTIFICATION 2/12/47

Under ~~Section 23 (4) of the Mysore~~ Section 10 (4) of the Mysore ~~Town Municipalities Act 1933~~ Minor Municipalities Act 1933

Mr G K Malleshaiah is elected Vice President of the Kadur ~~Town Municipal Council~~ Minor Municipal Council Shimoga District

By Order

Secretary to Government
Genl ~~Law~~ Department
28/11/47 Rev

To—The Compiler Mysore Gazette for publication in Part III-3 of Gazette and supply of five copies thereof to the Secretariat and to the Deputy Commissioner of the District Concerned

MEMO NO L 11433 2/12/47

Copy to the above is forward with comliments to the Deputy Commissioner Shimoga District for information with reference to his letter No N3 C 364 dated 30-9-1947 47 48 The ~~The records accompany~~ postponement of the election to the Municipal Council is a genuine mistake as seen from the circumstances explained and as such the irregularities is Condoned under Rule 16 of the Rules Regulating the election & Procedure of minor municipal Councils The Records accompany

By Order

For Secretary to Government
Genl ~~Law~~ Department
28/11/47 Rev

Por 24 11 47

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No. L 11432/mL 40 47-G4 General and Revenue Secretariat
Dat of Bangalore 2/12/ 194

NOTIFICATION

Under Section 10(4) of the Mysore Minor Municipalities Act, 1933, Mr. G. Y. Allabhai is elected Vice President of the Kumta Minor Municipal Council, Kanara District.

By Order,

for Secretary to Government,
Revenue Department.

To

The Compiler, Mysore Gazette, for publication in part III-3 of the Gazette and supply of five copies thereof to the Secretariat and to the Deputy Commissioner of the District concerned